

REFERENCE TITLE: automated photo enforcement

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2180

Introduced by
Representatives Biggs, Gorman, Quelland: Allen J, Groe, Murphy, Yarbrough

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-629; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES; RELATING TO AUTOMATED PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, article 2, Arizona Revised Statutes,
3 is amended by adding section 28-629, to read:

4 28-629. Automated photo enforcement: permits; contracts;
5 definition

6 A. ON RECEIVING A REQUEST FROM A LOCAL AUTHORITY TO INSTALL AUTOMATED
7 PHOTO ENFORCEMENT FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF ARTICLES 3 AND
8 6 OF THIS CHAPTER ON HIGHWAYS WITHIN THE BOUNDARIES OF A POLITICAL
9 SUBDIVISION AND UNDER THE JURISDICTION OF THE LOCAL AUTHORITY, THE DIRECTOR
10 OF THE DEPARTMENT OF PUBLIC SAFETY SHALL INITIATE AND JOINTLY CONDUCT A STUDY
11 WITH THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO DETERMINE IF THE
12 ESTABLISHMENT OF AUTOMATED PHOTO ENFORCEMENT IN THE AREA REQUESTED BY THE
13 LOCAL AUTHORITY IS NECESSARY TO ENSURE PUBLIC SAFETY.

14 B. AN AGENCY OF THIS STATE SHALL NOT ALLOW THE ESTABLISHMENT OF
15 AUTOMATED PHOTO ENFORCEMENT ON OR IN ANY FACILITY THAT IS OWNED, MAINTAINED
16 OR OPERATED BY THIS STATE OR AN AGENCY OF THIS STATE UNLESS ALL OF THE
17 FOLLOWING OCCUR:

18 1. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AND THE DIRECTOR OF
19 THE DEPARTMENT OF TRANSPORTATION CONCLUDE THAT REASONABLE ALTERATIONS IN THE
20 EXISTING SPEED LIMIT, SIGNAGE, ENFORCEMENT STRATEGY, NUMBER OF OFFICERS
21 PATROLLING THE AREA AND THE DESIGN OF THE ROADWAY ARE EITHER NOT SUFFICIENT
22 OR NOT TIMELY ENOUGH TO ENSURE PUBLIC SAFETY BY REDUCING THE NUMBER OF
23 TRAFFIC VIOLATIONS IN THE AREA.

24 2. BEFORE SEEKING BIDS FOR AUTOMATED PHOTO ENFORCEMENT, THE DIRECTOR
25 OF THE DEPARTMENT OF PUBLIC SAFETY AND THE DIRECTOR OF THE DEPARTMENT OF
26 TRANSPORTATION AGREE THAT AN AUTOMATED PHOTO ENFORCEMENT SYSTEM CAPABLE OF
27 DOING ALL OF THE FOLLOWING IS AVAILABLE FOR PROCUREMENT AND INSTALLATION:

28 (a) USING MOBILE DEPLOYMENT OPTIONS THROUGHOUT THE PROPOSED
29 ENFORCEMENT AREA.

30 (b) EASILY MOVING FROM ONE SITE ON A HIGHWAY TO ANOTHER.

31 (c) USING ACCEPTABLE CAMERA LIGHT FLASH INTENSITY.

32 (d) USING COLOR PHOTOGRAPHY TO ENHANCE DRIVER AND LICENSE PLATE
33 RECOGNITION.

34 (e) PHOTOGRAPHING OR ELECTRONIC IMAGING OF THE VEHICLE'S DRIVER AND
35 REAR LICENSE PLATE.

36 (f) DOWNLOADING PHOTO ENFORCEMENT SYSTEM DATA WITHOUT PHYSICALLY
37 ENTERING THE RIGHT-OF-WAY.

38 (g) NOT PLACING IN PAVEMENT SENSORS THAT REQUIRE LANE CLOSURES FOR
39 MAINTENANCE.

40 (h) COVERING AT LEAST FIVE LANES OF TRAFFIC IN ONE DIRECTION.

41 (i) MEETING OR EXCEEDING FEDERAL ROADSIDE CRASH SAFETY STANDARDS FOR
42 ALL DEVICES.

43 3. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION ISSUES ANY PERMITS
44 TO THE DEPARTMENT OF PUBLIC SAFETY THAT ARE NECESSARY TO ESTABLISH AUTOMATED
45 PHOTO ENFORCEMENT IN A TRANSPORTATION FACILITY OWNED, MAINTAINED OR OPERATED
46 BY THIS STATE OR AN AGENCY OF THIS STATE.

1 C. THE DEPARTMENT OF PUBLIC SAFETY SHALL PAY THE COSTS INCURRED FOR
2 PROCESSING AND MAINTAINING AUTOMATED PHOTO ENFORCEMENT CONTRACTS AWARDED AND
3 SERVICES PROVIDED PURSUANT TO THIS SECTION.

4 D. THE DEPARTMENT OF PUBLIC SAFETY IS THE AGENCY RESPONSIBLE FOR
5 AWARDING CONTRACTS FOR AUTOMATED PHOTO ENFORCEMENT PURSUANT TO THIS SECTION.

6 E. EXCEPT FOR MONIES COLLECTED PURSUANT TO TITLE 12, CHAPTER 1,
7 ARTICLE 1, THE COURT SHALL FORWARD ANY MONIES COLLECTED BY THE COURT
8 RESULTING FROM A CITATION ISSUED USING AUTOMATED PHOTO ENFORCEMENT PLACED ON
9 HIGHWAYS PURSUANT TO THIS SECTION TO THE CITY OR COUNTY TREASURER FOR
10 TRANSMISSION TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT,
11 PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES COLLECTED PURSUANT TO THIS
12 SECTION IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

13 F. FOR THE PURPOSES OF THIS SECTION, "AUTOMATED PHOTO ENFORCEMENT"
14 MEANS A DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR SENSOR LINKED TO A
15 CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE PHOTOGRAPHS,
16 MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR OTHER RECORDED IMAGES OF A
17 VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF ARTICLES
18 3 AND 6 OF THIS CHAPTER.

19 Sec. 2. Section 28-6991, Arizona Revised Statutes, is amended to read:

20 28-6991. State highway fund; sources

21 A state highway fund is established that consists of:

22 1. Monies distributed from the Arizona highway user revenue fund
23 pursuant to chapter 18 of this title.

24 2. Monies appropriated by the legislature.

25 3. Monies received from donations for the construction, improvement or
26 maintenance of state highways or bridges. These monies shall be credited to
27 a special account and shall be spent only for the purpose indicated by the
28 donor.

29 4. Monies received from counties under cooperative agreements,
30 including proceeds from bond issues. The state treasurer shall deposit these
31 monies to the credit of the fund in a special account on delivery to the
32 treasurer of a concise written agreement between the department and the
33 county stating the purposes for which the monies are surrendered by the
34 county, and these monies shall be spent only as stated in the agreement.

35 5. Monies received from the United States under an act of Congress to
36 provide aid for the construction of rural post roads, but monies received on
37 projects for which the monies necessary to be provided by this state are
38 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
39 shall be allotted by the department and deposited by the state treasurer in
40 the special account within the fund established for each project. On
41 completion of the project, on the satisfaction and discharge in full of all
42 obligations of any kind created and on request of the department, the
43 treasurer shall transfer the unexpended balance in the special account for
44 the project into the state highway fund, and the unexpended balance and any
45 further federal aid thereafter received on account of the project may be
46 spent under the general provisions of this title.

1 6. Monies in the custody of an officer or agent of this state from any
2 source that is to be used for the construction, improvement or maintenance of
3 state highways or bridges.

4 7. Monies deposited in the state general fund and arising from the
5 disposal of state personal property belonging to the department.

6 8. Receipts from the sale or disposal of any or all other property
7 held by the department and purchased with state highway monies.

8 9. Monies generated pursuant to section 28-410.

9 10. Monies distributed pursuant to section 28-5808, subsection B,
10 paragraph 2, subdivision (d).

11 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

12 12. Except as provided in section 28-5101, the following monies:

13 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
14 subsection B, paragraph 2, subdivision (e).

15 (b) One dollar of each registration fee and one dollar of each title
16 fee collected pursuant to section 28-2003.

17 (c) Two dollars of each late registration penalty collected by the
18 director pursuant to section 28-2162.

19 (d) The air quality compliance fee collected pursuant to section
20 49-542.

21 (e) The special plate administration fees collected pursuant to
22 sections 28-2404, 28-2412 through 28-2424 and 28-2514.

23 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
24 if the director is the registering officer.

25 13. Monies deposited pursuant to chapter 5, article 5 of this title.

26 14. Donations received pursuant to section 28-2269.

27 15. Dealer and registration monies collected pursuant to section
28 28-4304.

29 16. Abandoned vehicle administration monies deposited pursuant to
30 section 28-4804.

31 17. Monies deposited pursuant to section 28-710, subsection D,
32 paragraph 2.

33 **18. MONIES DEPOSITED PURSUANT TO SECTION 28-629.**

34 Sec. 3. Applicability

35 This act applies to any request made by a local authority to the
36 department of public safety for the establishment of automated photo
37 enforcement on a highway within the boundaries of a political subdivision and
38 under the jurisdiction of the local authority or in any facility that is
39 owned, maintained or operated by this state or an agency of this state
40 pursuant to section 28-629, Arizona Revised Statutes, and to any request,
41 permit or contract granted pursuant to section 28-629, Arizona Revised
42 Statutes, whether the request was made or the permit or contract was granted
43 before, on or after the effective date of this act.